[L. & M. 2,000—28-10-97]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 391 M

DATED 17-2-98.

INDEXED.

DESPATCHED.

[Despatch Abstract.]

Bovine tick fever.

Recording G.O. R.D. passing orders on letter from the Govt. of India desiring that all Shipments of australian horses Landed at ports in the Madras Presy. Shd. be carefully watched with a view to minimizing the danger of the —— being introduced into this Country.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Local & Munl. (1898) Department.

CURRENT No. 518/R

C.R.O. 5787 742 M/98

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Mise

From The Revenue Department

Order No. 391 Misc dy 17/2/98

Records.

Peons No. 45

F.S. 15/2/98

Dte 26/2/98

Dated 26th January 1898

Received 29/

Registered

Enclosures 2

Spare copies

SUBJECT.

Bovine tick fever.

Passing orders on letter from the Govt of India declaring that all shipments of Australian horses landed at ports in the Madras Presidency should be carefully watched with a view to minimizing the danger of the —— being introduced in this Country.

Copy to the President. R.o Madras
Dated 18/2/98

a/1572

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Government {1897} of Madras.

REVENUE.

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 1075A, 21st December 1897.

DECEMBER.

Proposed legislation to prevent the introduction into India of animal pests and contagious diseases affecting live-stock.

Agreeing with the Board of Revenue in the views expressed by it with regard to the — and informing the Government of India accordingly.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—again the following G.O., Mis. No. 5545, Revenue, dated 28th October 1897 :—

Read—the following letter from DENZIL IBBETSON, Esq., C.S., C.S.I., Secretary to the Government of India (Department of Revenue and Agriculture—Civil Veterinary Administration), to the Secretary to the Government of Madras, dated Simla, the 19th October 1897, Circular No. 7—122-2-C.V.A. :—

In connection with the proposed amendment of the Indian Ports Act, 1889, which has been referred for the opinion of the Government of Madras in Home Department letter, No. 1856, dated the 21st July 1897, the Government of India have considered the necessity of legislative measures to prevent the introduction into India of animal pests and contagious diseases affecting live-stock. The subject has been brought prominently to their notice in connection with the importation of some horses from Australia, infected with the tick-pest, with reference to which you have already been addressed in my letter, No. 1401—44-9, dated 14th September 1897.

2. The "proposed law" which accompanied the Home Department letter already referred to provides in clause (2) for the disinfection and destruction of infected live-stock, and in clause (5) for the appointment and regulation of places for the reception of infected live-stock. But the Government of India, on further consideration of the question, are of opinion that these clauses do not give sufficient protection, and that separate legislation is required, as the subject cannot be appropriately or adequately dealt with in the Indian Ports Act. So far as the suppression of cattle-disease within India itself is concerned, it has been decided, after full consideration, that the time has not yet come for legislative action. It is therefore only the case of imported animals, and (in the main) of diseases not already prevalent in India, that calls for action. The English law, which is contained in the Diseases of Animals Act, 1894, has to provide on the one hand for the safety of the agricultural stock of the country, and, on the other, for the maintenance of the live cattle trade, which furnishes an important food-supply; and its provisions are far more elaborate than are required for India, where animals are rarely imported for food. The New South Wales Stock Acts of 1871 and 1884 appear to be more suitable models, but even these give wider powers than at present seem necessary in India. Under these Acts no stock can be landed without inspection and a permit, while in India it would seem sufficient to prohibit landing or to subject it to certain conditions, only in those cases where there is reason to suspect danger. The object in view is to prevent the introduction into India of diseases hitherto unknown, such as the tick-pest, and, probably, true anthrax, rather than of the cattle-diseases already endemic in the country.

3. I am to enclose, for the consideration of the Government of Madras, a rough draft of the provisions which are suggested as necessary and sufficient for this purpose, and to request that the opinion of the Governor in Council upon them may be communicated at an early date. In particular, I am to invite attention to the two following points :—

Firstly.—It has been suggested that there may, in some ports (such, for instance, as Madras) which would be notified under clause 3, be difficulty in carrying out the provisions of clause 5, since it would be impossible to find a duly qualified Veterinary practitioner who would always be on the spot. The Government of India are not sure that any practical difficulty need be anticipated, since cargoes of live-stock from abroad are believed to be infrequent. But if the difficulty exists, it might be well, following the analogy of the Glanders and Farcy Act, to separate the Inspector and the Veterinary practitioner (of which latter there might be several). The two officers should then have independent powers under clauses 6 and 7, and concurrent powers under clause 11, while the inspection under clause 8 should be made by the latter.

Secondly.—I am to ask for opinions as to the suitability of the penalties provided by clause 15. It must be remembered that the export of stock from the infected

tracts to any other portion of the Australian continent is absolutely prohibited, so that horses of great value may be rendered virtually unsaleable, except in foreign ports. Under such circumstances, it is worth the exporters' while to run considerable pecuniary risk in order to find a market for them.

4. The urgency of the case has been explained in my previous letter, and I am to request that the opinion asked for may be communicated with as little delay as possible.

Enclosure.

Draft Provisions.

1. "Live-stock" to include horses, kine, camels, sheep and any other animal that the Governor-General in Council may notify as included.

2. Infectious and contagious diseases to mean anthrax and other anthracoid diseases, glanders, farcy, scabies or mange, the tick-pest and any other disease which the Governor-General in Council may notify for the purposes of this Act.

3. The Governor-General in Council to have power to specify by notification the Indian ports at which alone the landing of live-stock shall be legal, and from time to time to alter such specification.

4. The Governor-General in Council to have power at any time to prohibit by notification the landing of live-stock that have or fodder that has within the preceding three months been within any specified country or tract outside British India, or on board any ship that has within the preceding six months contained live-stock from such country or tract; and to cancel or modify such prohibition.

5. The Local Government to appoint an Inspector of live-stock, who shall be a duly qualified Veterinary practitioner for each of the ports notified under (3).

6. Such Inspectors to have, as regards live-stock and their diseases, the same powers (*mutatis mutandis*) as Health officers possess under section 17, Act X, 1889 (Indian Ports Act), with regard to human beings and their diseases.

7. Any Inspector who has reason to believe that any live-stock on board of any vessel are suffering or likely to be suffering from any infectious or contagious disease, or are likely to be the vehicle of such disease, shall prohibit the landing of such live-stock by written order directed to the Master of the vessel.

8. If such order has been issued without previous inspection of the live-stock, the Inspector shall inspect them within 24 hours of the issue of the order, and if satisfied by such inspection that his suspicion was unfounded, shall withdraw the prohibition by endorsement upon the order.

8-A. The Local Government to have power to call upon the Master of a vessel for a written declaration regarding the origin of his cargo. In case of his failing to make a declaration to their satisfaction it may be presumed that the cargo falls under a prohibition under (4). The making a false declaration to subject him to the pecuniary penalty (and if false to his knowledge, to the imprisonment) specified in (15).

9. The Local Government to have power to require the Master of any vessel containing live-stock in respect of which any prohibition under (4) or (7) is in force, to remove them from the harbour or to destroy them within 48 hours of the receipt of the order; failing compliance with which the Local Government may cause them to be destroyed without compensation.

10. The Local Government to have power to permit the landing of any live-stock in respect of which any prohibition under (4) or (7) is in force, subject to such conditions regarding quarantine or disinfection as it may think proper to prescribe.

11. The Inspector under this Act, or any Inspector and Veterinary practitioner under the Glanders and Farcy Act (or if the Inspector and Veterinary practitioner are not the same person, then the two acting jointly) may at any time within 28 days from the date on which any live-stock have been landed, examine such live-stock, and if the live stock or any of them are found to be suffering from any infectious or contagious disease or to be likely to be the vehicle of such disease, may, by written order addressed to the person in possession of them, require him to remove to quarantine all or any of such live-stock and any other live-stock that have been exposed to infection by proximity to them, or to adopt such measures of disinfection as may appear proper.

12. Any Magistrate to have power to order the immediate destruction without compensation of any animal landed in contravention of a prohibition under (4) or (7), or that has not been removed to quarantine as required by an order under (10) or (11) within six hours of the time of landing or of receipt of the order as the case may be, or that has been removed from quarantine without due permission: Provided that no order under this clause shall issue after

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3. I am to enclose, for the consideration of the Government of Madras, a rough draft of the provisions which are suggested as necessary and sufficient for this purpose, and to request that the opinion of the Governor in Council upon them may be communicated at an early date. In particular, I am to invite attention to the two following points :—

Firstly.—It has been suggested that there may, in some ports (such, for instance, as Madras) which would be notified under clause 3, be difficulty in carrying out the provisions of clause 5, since it would be impossible to find a duly qualified Veterinary practitioner who would always be on the spot. The Government of India are not sure that any practical difficulty need be anticipated, since cargoes of live-stock from abroad are believed to be infrequent. But if the difficulty exists, it might be well, following the analogy of the Glanders and Farcy Act, to separate the Inspector and the Veterinary practitioner (of which latter there might be several). The two officers should then have independent powers under clauses 6 and 7, and concurrent powers under clause 11, while the inspection under clause 8 should be made by the latter.

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11. The Inspector under this Act, or any Inspector and Veterinary practitioner under the Glanders and Farcy Act (or if the Inspector and Veterinary practitioner are not the same person, then the two acting jointly) may at any time within 28 days from the date on which any live-stock have been landed, examine such live-stock, and if the live stock or any of them are found to be suffering from any infectious or contagious disease or to be likely to be the vehicle of such disease, may, by written order addressed to the person in possession of them, require him to remove to quarantine all or any of such live-stock and any other live-stock that have been exposed to infection by proximity to them, or to adopt such measures of disinfection as may appear proper.

12. Any Magistrate to have power to order the immediate destruction without compensation of any animal landed in contravention of a prohibition under (4) or (7), or that has not been removed to quarantine as required by an order under (10) or (11) within six hours of the time of landing or of receipt of the order as the case may be, or that has been removed from quarantine without due permission: Provided that no order under this clause shall issue after

the expiry of 28 days from the date of landing or disobedience or unauthorised removal, as the case may be.

13. When any live-stock have been destroyed under (9) or any order has been issued in regard of them under (10) or (11), the Inspector may by written order direct the disinfection or destruction of the stable fittings, clothing (whether of the live-stock or of their attendants), fodder, and other things that may have been in contact with them, within 48 hours of receipt of such order.

14. The Local Government to have power to make rules—

(1) for the appointment and regulation of places for the quarantine of live-stock, for prescribing the periods of detention in such places, and for providing for and apportioning the cost of keeping and treating live-stock while so detained;

(2) for regulating and enforcing the disinfection or destruction of live-stock, or of stable fittings, clothing, fodder and other things that may have been in contact with them, and for providing for and apportioning the cost of any such disinfection or destruction;

(3) for regulating the conduct of Inspectors and others taking action under this Act;

(4) generally for carrying out the provisions of this Act or for any purposes subsidiary or incidental to them.

15. Any person who lands or unships or orders or assists or permits to be landed or unshipped any live-stock at a port not specified under (3) or in contravention of a prohibition under (4) or (7), or removes or orders or assists to be removed any live-stock from quarantine without due permission, or refuses to allow an Inspector to enter on any vessel or premises, or impedes or attempts to impede him in the execution of his duties, or does not when required give him full and true information with respect to any live-stock, fodder, fittings, or other effects for the purposes of his duty under this Act, or disobeys any order issued under this Act or commits a breach of any rule framed under this Act, shall be liable for each such act and for each animal in respect of which the act is committed to a penalty not exceeding Rs. 1,000 or double the value of the animal. And if the act is committed in contravention of a written order addressed to the person who contravenes it, he shall further be liable to imprisonment of either description for a period not exceeding one month, or, for a second offence within twelve months, not exceeding three months.

16. When any act specified in (15) is committed on board a vessel, the Master of the vessel and the person who is in charge of the live-stock in behalf of the owner or shipper shall both be held liable to the pecuniary penalties therein prescribed, unless they prove that they took all reasonable precautions in their power to prevent the commission of the act.

17. The Magistrate may award such portion as he may think fit of any penalty recovered under this Act to any person through whose information or assistance the offence has been discovered or proved.

18. If any person to whom a written order is directed under this Act fail to comply with it within a reasonable period to be specified in the order, the Inspector may cause the order to be carried into effect, and any cost incurred in so doing shall be recoverable from the person to whom the order was addressed.

19. All costs recoverable under this Act, if incurred on board a vessel, shall be recoverable in the same manner as port-dues and charges payable under the Indian Ports Act (section 42), and in all other cases shall be recoverable under the order of a Magistrate by summary distraint of the moveable property of the person liable. (Or sections 57 to 59 of the Ports Act may be made applicable.)

20. All orders or notices under the Act may be delivered at the last known residence or place of business of the person to whom they are directed, or on board the vessel on which he has entered the port, as the case may be, or may be sent by registered post to that address.

21. An appeal from every order of an Inspector under this Act lies to the Local Government, whose orders are final. But the fact that an appeal has been or is about to be preferred from an order in no way relieves any person from the responsibility of obedience to it.

22. None of the above provisions to apply to live-stock which have not during the preceding three months been on land outside British India, or on board a ship that has within the preceding six months received live-stock on board from a port outside British India.

Order—Mis. No. 5545, Revenue, dated 28th October 1897.

Referred to the Board of Revenue for very early remarks.

(True Extract.)

(Signed) G. STOKES,
Secretary to Government.

To the Board of Revenue (Revenue Settlement, Land Records and Agriculture).

Read—the following Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), Mis. No. 9006, dated 6th November 1897:—

Read—G.O., Mis. No. 5545, Revenue, dated 28th October 1897.

Resolution—Mis. No. 9006, dated 6th November 1897.

The draft provisions of the proposed Act appear to the Board to be appropriate and adequate.

2. The Board is not aware on what grounds it is thought necessary to include scabies or mange in the list of infectious and contagious diseases. Amongst horses it is extensively common in this Presidency.

3. With reference to paragraph 4 dung and litter might be specified in addition to fodder. The words "fodder, dung or litter" should be inserted in section 15 in line 3 after "live-stock."

4. With regard to paragraph 3 of the letter of the Government of India, the Board considers that, as the Superintendent, Civil Veterinary Department, has to be in camp for a considerable part of the year, the senior Veterinary officer in Madras or St. Thomas' Mount may be appointed Inspector for the port of Madras. It is believed that but few cattle are imported into this Presidency by sea, and none from Australia unless to Madras. The appointment of an Inspector at other ports therefore seems unnecessary. The Superintendent, Civil Veterinary Department, should have powers of inspection under section 11 of the draft provisions.

The penalties provided appear suitable.

5. The legislation under reference appears to be undertaken mainly to prevent the introduction of the tick-plague. This disease is, it is believed, at present reported only from Queensland, and the Board would suggest the desirability of requesting the Government of Queensland to notify to horse-shippers in particular the nature of the legislation which the Government of India is undertaking.

(True Extract.)

(Signed) R. V. SRINIVASIAR,
for Famine Secretary.

To the Secretary to Government, Revenue Department.

Copy to Superintendent, Civil Veterinary Department.

Order—No. 1075A, Revenue, dated 21st December 1897.

Miscellaneous.

The Government agrees with the Board of Revenue in the views expressed by it in the second of the papers read above and the Government of India will be informed accordingly.

2. The following additional suggestions will also be made:—

(1) In clause 15 the penalty for removal of stock for quarantine should be a penalty for its removal before the period prescribed for quarantine has expired.

(2) It would probably be desirable to direct the Port officer to furnish a copy of the Act when he furnishes a copy of the rules of the Port to vessels entering the port and have come from Australia and to empower him to refuse a clearance certificate unless the provisions of the Act have been complied with.

(True Extract.)

(Signed) G. S. FORBES,
Ag. Secretary to Government.

To the Board of Revenue (Revenue Settlement, Land Records and Agriculture).

Exd. A. F. Eccleston.

50 Copies.

Revenue Department.

Proceedings of the Board of Revenue, Rev. Settlement, Misc. No. 8960 dated 6th November 1897.

Resolution.

x x x x x x x

Para. 7. As no importation of horses from the affected area is expected during the next few months, there is no immediate occasion for action ; but the Board thinks it well to direct that the Superintendent, Civil Veterinary Dept., should look out for a suitable site for a segregation camp, and should prepare a rough estimate of the cost of constructing temporary shelter for say 150 horses. There will certainly be no importation during the current rainy season, and the necessary shelter from the sun can be best given by pandals of palmyrah leaves, which can be burnt after use.

(True Copy.)

K Ramayenbanks

Ag. Under Secretary to Government.

1/518 Aug 1898

F/15 5,000-13-10-97.

REVENUE DEPARTMENT.

518h

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following:-

(1) G. O. No. 5270 dated 9th October 1897 communicating with remark, letter from the Govt. of India considering it very desirable that all shipments of Australian horses landed at ports in the Madras Presidency should be carefully watched with a view to minimizing the danger of the tick plague bein; introduced into this country.

(2) Proceedings of the Board of Revenue, Revenue Settlement, Misc. No. 8960 dated 6th November 1897 submitting with remarks to Govt. Revenue Department, report from the Superintendent, Civil Veterinary Department on tick fever.

(3) G. O. No. 1075A dated 21st December 1897 agreeing with the Board of Revenue in the views expressed by it with regard to the proposed legislation to prevent the introduction into India of animal pests and contagious diseases affecting live-stock and informing the Govt. of India accordingly.

------O------

Order thereon. Press No. 45 dated 26th January 1898.

The Government doubts whether Bovine tick fever can be rightly classed as an infectious or contagious disease as defined in Madras Act II of 1866 and therefore considers it safer not to attempt to deal with the disease under that Act.

2. The suggestion made by the Board in para 6 of the second of the papers read above may therefore be the only feasible course to adopt pending the ~~legislation~~ legislative enactment promised by the Government of India.

3. The Board however reports that there is no immediate likelihood of the importation of any animals from tracts where the disease prevails and accordingly, before decision is taken in the matter, the Government of India will be requested to inform this Government when the proposed enactment may be expected to become law. In the meantime, the sug-

gestions of the Board contained in para 7 of its Proceedings are approved. The proposed site should be selected in com unication with the President of the Municipal Commission.

(True Extract.)

W. Marjoribanks

Ag. Under Secretary to Government.

To the Board of Revenue, Revenue Settlement.

" Local & Municipal Department.

Local & Munl. (1898) Department.

CURRENT No. 742 M
324 L

Transf. to Irrig.

From

The Revenue Dept:

Order

No. :F01.

Dated 31st January 1898.

Received 4th Feby

Registered

Enclosures

Spare copies

SUBJECT.

Communicating telegram from the Govt: of India stating that the proposed Legislation dealing with the introduction of animal diseases will be considered on receipt of the views of the Bombay Govt:

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

E 2/20 2,000—13-10-97.

REVENUE DEPARTMENT.

LOCAL & MUNICIPAL DEPARTMENT 14 & 15 322

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read

Read the following telegram from the Govt: of India, Rev: and Agri: Dept: dated Calcutta the 28th January 1898:-

"Your telegram twenty-sixth instant proposed legislation dealing with introduction of animal diseases will be considered on receipt of views of Bombay Government which are awaited.

Order thereon, No:501 Mis, dated the 31st January 1898.

Communicated to the Local and Municipal Department and to the Board of Revenue in continuation of Government Order No: 45, Revenue, dated 26th January 1898.

(True Extract.)

Asst. Under Secretary to Government.

To

The Local & Municipal Dept:

" Board of Rev: & Agri:

Ans 518 h/98

Rd 7-2-98

When given for copying ____
When copied 17 2 18 [illegible]
When examined ____ 189
When signed 17/2

READ AGAIN G.O., No. , DATED
189

CURRENT No.

CLOSURES TO C. No.

...BER OF GOVERNMENT	A	A	A	A	A	A	A	
...TER OF GOVERNMENT.								
...MENT WITH DITTO.								
...NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

...—
A = Copy in full.
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Q = Copy heading only.