

V.E.

Revenue (1898) Department.

Recd - 22 Nov 98

MISCELLANEOUS SERIES.

G.O., No. 4546

DATED 22nd November 98

Abstract

[Despatch Abstract.]

Referring to the 15th of Decr. remarks the bill
consolidate and amend the law relating
to glanders and farcy and directing that
the Bill together with vernacular
translations thereof be published
in the Fort Saint George Gazette.

BACK PAPERS.

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

FURTHER PAPERS.

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

[J. 52]
1,000-22 2-98.

Revenue Judicial (1898) Department.

CURRENT No. ⁷⁹¹⁴~~4421~~

21/11/98

From. The Govt of India

Order
Endorsement. No. 2538 of 17-11-98.

Transferred to the Revenue
Department.

No. 1072

Admnapp

Ag. Under Secretary.

Dated 5-11-28

Received. 20-11-28

Registered 21-11-28

Enclosures 1

Spare copies 40

Recd. 15/11/28.

20

117-11/98

The Rev Dept.

SUBJECT.

End. No. 4558 of 14 November 1898
Referred to the Deant of
Revenue for remarks. *after*
and then with

Forwarding a bill to consist
date and amend the
law relating to glanders
and Sorey. & for opinion.

to Under Secy
addition to draft being
the 19th Nov 1898
issued on the 19th
order But as no
not issued, please
see draft
22/11/28.

daily
had have
a supplement
followed
had
22/11/28

BACK PAPERS.

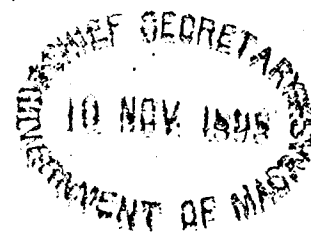
G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT NO. 4691

No. 1672



FROM

J. M. MACPHERSON, Esq., C. S. I.,

Secretary to the Government of India,
Legislative Department,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF

Madras.

Dated Simla, the 5th November, 1898.

SIR,

I AM directed to forward herewith *forty* copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George* Gazette in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th January next.

I have the honour to be,

SIR

Your obedient Servant,

J. M. Macpherson

Secretary to the Government of India.

** sent by packet post.*

THE GLANDERS AND FARCY BILL.

CONTENTS.

1. Short title, extent and commencement.
2. Definition of "diseased."
3. Application of Act to local areas by Local Government.
4. Local Government to appoint Inspectors.
5. Power of entry and search.
6. Power of seizure.
7. Horse to be examined by Veterinary Practitioner.
8. Horse to be destroyed if found diseased : otherwise restored.
9. When horse diseased, place where it has been to be disinfected, etc.
10. Owner or person in charge of diseased horse to give notice.
11. Prohibition against removal, without license, of horse which has been with diseased horse.
12. Vexatious entries, searches and seizures.
13. Penalty for refusing to comply with notice under section 9, or moving horse contrary to section 11.
14. Power to make rules.
15. Appointment of same person to be both Inspector and Veterinary Practitioner.
16. Repeal.

THE SCHEDULE.—ENACTMENTS REPEALED.

A
BILL

TO

*Consolidate and amend the Law relating to
Glanders and Farcy.*

WHEREAS it is expedient to *consolidate and
amend the law relating to glanders and farcy*;
It is hereby enacted as follows:—

- [1.] Short title, extent and commencement. 1. (1) This Act may be called the *Glanders and Farcy Act, 1898*.
(2) It extends to the whole of British India; and
(3) It shall come into force at once.
- [2.] Definition of "diseased." 2. (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 Governor General in Council may, by notification in the Gazette of India, specify in this behalf.
(2) The provisions of this Act relating to horses shall apply also to asses and mules.
- [3.] Application of Act to local areas by Local Government. 3. The Local Government may, by notification in the local official Gazette, apply this Act, or any provision of this Act, to any local area, to be specified in such notification, within the province.
- [4.] Local Government to appoint Inspectors. 4. (1) When this Act has been so applied to any local area, the Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of such 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 a public servant within the meaning of the Indian Penal Code.
- [6.] Power of entry and search. 5. Within the local limits for which he is so appointed, any such Inspector may, subject to such rules as the Local 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 within the meaning of this Act.
- [5.] Power of seizure. 6. Within such limits as aforesaid, any such Inspector may seize any horse which he has reason to believe is diseased.

7. On any such seizure, the Inspector shall
 Horse to be examined cause the horse so seized
 by Veterinary Practitioner to be examined as soon as
 possible by such Veterinary
 Practitioner as the Local Government may
 appoint in this behalf:

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

8. (1) If such Veterinary Practitioner certifies
 Horse to be destroyed in writing that such horse is
 if found diseased: other. diseased, the Inspector
 will restore. 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 Local Government may make
 in this behalf, be either destroyed or otherwise
 treated or dealt with as the Veterinary Prac-
 titioner may deem necessary.*

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

9. (1) When any diseased horse has been in
 When horse diseased, any building, shed or other
 place where it has been enclosed place, or in any
 to be disinfected, etc. open lines, the Inspector
 may issue a notice to the owner of such build-
 ing, shed, place or lines, or the person in charge
 thereof, directing him to have the same disin-
 fected and the internal fittings thereof, or such
 other things found therein or near thereto as the
 Local Government may by rule prescribe, de-
 stroyed.

(2) On the failure or neglect of such owner
 or other person to comply with such notice with-
 in a reasonable time, the Inspector shall cause
 such building, shed, place or lines to be disin-
 fected and such fittings or other things to be
 destroyed, and the expense (if any) thereby in-
 curred may be recovered from such owner or
 other person as if it were a fine.

10. The owner or any person in charge of a
 Owner or person in diseased horse shall give
 charge of diseased immediate information of
 horse to give notice. such horse being diseased
 to the Inspector or to some police-officer.

11. 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 move 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 such license.

12. (1) Whoever, being an Inspector appoint-
 ed under this Act, vexa-
 tious entries, searches and seizures. tiously and unnecessarily,
 enters or searches any
 field, building or other place, or seizes or

[7]

[8.]

[9.]

[10.]

[11.]

[12.]

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.] 13. Whoever refuses or neglects to
 comply with any notice
 Penalty for refusing issued by the Inspector
 to comply with notice under section 9, or
 under section 9, or
 for moving horse con- moves any horse in con-
 trary to section 11. travention of section 11,
 shall be punishable with imprisonment which
 may extend to one month, or with fine which
 may extend to fifty rupees, or with both.

[14.] 14. (1) The Local Government may make
 rules to carry out the pur-
 Power to make rules. poses and objects of this
 Act.

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

(a) regulate entries and searches by Inspect-
 ors under this Act;

(b) 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 which
 have been destroyed thereunder;

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

(d) regulate the grant of licenses under sec-
 tion 11 and the conditions on which
 such licenses shall be granted.

(3) All such rules shall be published in the
 local official Gazette, and, on such publication,
 shall have effect as if enacted by this Act.

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

[15.] 15. Any Veterinary Practitioner may be ap-
 pointed by the Local Gov-
 Appointment of same person to be both In- spector and Veterinary Practitioner. spector and Veterinary Practitioner
 for all or any of the purposes
 of this Act or of any rule thereunder.

[New.] 16. The enactments mentioned in the schedule
 are hereby repealed to the
 extent specified in the
 fourth column thereof.

*THE SCHEDULE.**ENACTMENTS REPEALED.**(See section 16.)*

<i>Year.</i>	<i>No.</i>	<i>Short Title.</i>	<i>Extent of Repeal.</i>
1879	XX	<i>The Glanders and Farcy Act, 1879.</i>	<i>The whole Act.</i>
1891	XII	<i>The Repealing and Amending Act, 1891.</i>	<i>So much as relates to Act XX of 1879.</i>
1896	XV	<i>The Glanders and Farcy Act (1879) Amendment Act, 1896.</i>	<i>The whole Act.</i>
1897	XIV	<i>The Indian Short Titles Act, 1897.</i>	<i>So much as relates to Act XV of 1896.</i>

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

A
BILL
TO
Consolidate and amend the law relating to
Glanders and Farcy.

(Mr. Rivas.)

STATEMENT OF OBJECTS AND REASONS.

SECTIONS 5 and 6 of the Glanders and Farcy Act, 1879 (XX 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 affected 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 is 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.

2. The expediency of making the Act capable of application, like the Bengal Contagious Diseases (Animals) Act, 1880 (Ben. Act VIII of 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 "diseased" by clause 2 (1) of the Bill.

3. 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 penalize 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 XII of 1891 and XV 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."

The 28th October, 1898.

C. M. RIVAZ.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

Bill to consolidate and amend the law re-
lating to Glanders and Farcy.

(Statement of Objects and Reasons.)

*Sp. today in the
Hail
22.11.98*

Revenue Department

From the Govt of India No 1672
of 5.11.98.

(C. No 7914)

S.O. No 4576 of 22nd Nov 1898

Referred to the B. of Revenue
for remarks.

2. The Bill ^{with the Statement of Objects & Reasons} will be
published in the Govt
Saint George Gazette in
English and in the form
chief vernaculars of the
Presidency.

3. The Govt. of India Press
will report the dates of
publication.

22.11.98

23.11.98

To the ^{24.11.98} ~~judicial~~ ^{govt} ~~dept~~
the B. of Revenue (L.O.),

The Govt. of India Press
with bill & statement
Hindi Translation do
Tehsil Translation do
Malayalam do
Cannarese do

23.11.98

22.11.98

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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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