

THE KERALA PREVENTION AND CONTROL OF ANIMAL DISEASES ACT, 1967\*

(ACT 4 OF 1967)

*As Amended by Act 16 of 2000*

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a[ \* \* \* \* ]

*An Act to consolidate and amend the law relating to the prevention and control of diseases affecting animals*

<sup>b</sup>[Whereas it is expedient to consolidate and amend the law relating to the prevention and control of diseases affecting animals in the State of Kerala].

BE it enacted as follows:--

**CHAPTER I**

**Preliminary**

1. *Short title, extent and commencement.*--(1) This Act may be called the Kerala Prevention and Control of Animal Diseases Act, 1967.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint, and different dates may be appointed for different areas and for different provisions of this Act.

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

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(a) Omitted by Act 8 of 1968.

(b) Substituted by Act 8 of 1968

The Act came into force in the 15<sup>th</sup> May, 1968.

\*Published in the Kerala Gazette Extraordinary No.24, dated 14<sup>th</sup> February, 1967."

(a) "animal" means any domestic animal or bird or any animal or bird kept in confinement;

(b) "disinfect" means to free from disease germs;

(c) "disinfest" means to free from vermins, lice, fleas, flies, mosquitoes, and the like;

(d) "export" means taking out of the State to a place outside the State;

(e) "import" means bringing into the State from a place outside the State:

(f) "infected area" means any area declared as infected area by the Director of Animal Husbandry under section 17;

(g) "infected place" means any place declared as infected place under section 14 or section 15 or section 16;

(h) infective animal" means any animal which is affected with a scheduled disease or has recently been in contact with or in close proximity to an animal so affected;

(i) "inspector" means an Inspector appointed under Section 3;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "scheduled disease" means any disease specified in the Schedule;

(l) "State" means the State of Kerla:

(m) "Veterinary Surgeon" means a Veterinarian surgeon appointed under section 3.

**3. *Veterinary Surgeons and Inspectors.***--(1) The Government may appoint such number of persons as they think fit possessing such qualifications as may be prescribed, to be Veterinary Surgeons for the purposes of this Act and may define the area within which each of them shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act;

(2) The Government may appoint such number of persons as they think fit possessing such qualifications as may be prescribed, to be Inspectors for the purposes of this Act and may define within which each of them shall exercise the powers and perform the duties of an Inspector under this Act.

(3) A Veterinary Surgeon shall have all the powers of an Inspector under this Act and may exercise such powers within the area of his jurisdiction.

(4) Subject to such rules as may be made in this behalf, an Inspector may, with such assistance as he may call for, enter at all reasonable times and inspect any land, building or other place or any vessel or

vehicle, for the purpose of exercising the powers or performing the duties conferred or imposed on him by or under this Act.

**4. *Veterinary Surgeons and Inspectors to be Public Servants.***--Every person appointed under section 3 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860)

## **CHAPTER II**

### **Control of disease**

**5. *Power to prohibit or regulate import, export or transport of animals and the holding of markets, fairs, etc.***--(1) Notwithstanding anything contained in the Livestock Importation Act, 1898 (9 of 1898), the Government for the purpose of preventing the outbreak or spread of any Scheduled disease, may, by notification in the Gazette,-

(a) Prohibit or regulate in such manner and to such extent as they may think fit-

(i) the import, or transport into, from or across the State or any specified place therein of any animal, alive or dead or of any part of an animal or of any kind of fodder, bedding or other things, which may, in their opinion, carry infection;

(ii) the holding of animal markets, animal fairs, animal exhibitions or other concentration of animals in any specified area; and

(iii) the sale of, or other traffic in, infective animals, alive or dead or their products or any parts of animals which at the time of their death were infective or any fodder, bedding or other things used in connection with such animals which may, in their opinion, carry infection;

(b) direct that in any area to be specified in the notification, all animals shall be compulsorily inoculated and marked in accordance with such rules as may be made in this behalf.

(2) The Government may, by notification in the Gazette, specify the season or seasons during which and the route or routes by which animals may be imported into the state; and no person shall import animals into the State except during the season or seasons and by the route or routes so specified.

(3) The Government may establish quarantine stations along the route or routes specified under sub-section (2) for the inspection and detention of the animals imported into the State.

(4) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination where the animals are required to be vaccinated marketing and issuing of permits for the release of the animals may be such as may be prescribed.

(5) The animals detained at a quarantine station shall continue to be under the care of the person who was in charge of such animals immediately before the detention; and such person shall be responsible for their feeding and upkeep and for the payment of such fee for their vaccination and marking as may be prescribed.

**6. *Cleansing disinfecting and disinfection of vessels and vehicles.***--(1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed, disinfected and disinfected periodically by such common carrier in such manner as may be prescribed.

(2) The Government may appoint places where an Inspector may detain and inspect any such vessel or vehicles and if it is not in a sanitary condition, require it to be cleansed, disinfected and disinfected in such manner as may be prescribed and within such time as the Inspector may appoint.

(3) If such vessel or vehicle is not so cleansed, disinfected and disinfected in the manner prescribed and within the time appointed, the Inspector may cause it to be cleansed, disinfected and disinfected at the expense of its owner.

**7. *Duty of certain persons to report, Scheduled diseases.***--Every owner or person in charge of, every person importing, and every veterinary practitioner who has been called to treat, an animal which he has reason to believe to be infected with a Scheduled disease shall forth with report the fact to the Inspector having jurisdiction in the area.

**8. *Powers of veterinary Surgeons to hold post-mortem examination.***--Subject to such rules as may be made by the Government in this behalf, the veterinary Surgeon may make, or cause to be made, a post-mortem examination of any animal 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 any such animal to be exhumed.

**9 *Power to isolate infective animals.***--(1) Where an Inspector has reason to believe that any animal is infective, he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation and within such period as may be specified in the order;

Provided that where there is no person in charge of the animal and the owner is unknown or the order cannot be communicated to the owner without undue delay or the person in charge of the animal refuses to carry out the order, the Inspector may seize the animal and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report every order or seizure under this section to the Veterinary Surgeon.

**10. Examination by the Veterinary Surgeon.**--On receipt of a report under sub-section (2) of section 9 , the Veterinary Surgeon shall as soon as possible examine the animal and may also examine all animals with which it has been in contact or in close proximity and for this purpose may subject any such animal to any test which the Government may prescribed in this behalf.

**11. Action after examination by the Veterinary Surgeon.**--If , after such examination, the Veterinary Surgeon--

(a) is of opinion that the animal is not infective the inspector shall forthwith return it to the person who, in his opinion is entitled to its possession;

Provided that where such person cannot without undue inconvenience be found, the Inspector shall send the animal to the nearest cattle-pound or deal with it in such other manner as may be prescribed.

(b) certifies in writing that the animal is infective through not affected with a Scheduled disease, the animals shall be dealt with in such manner as may be prescribed;

(c) certifies in writing that the animal is infective having been affected with a Scheduled disease, the animal shall be destroyed or dealt with in such other manner as may be prescribed.

**12. Compensation for animals destroyed.**--Compensation shall be paid to the owner of an animal destroyed under section 11, and such compensation shall be determined in accordance with the rules to be made by the Government in this behalf;

Provided that no compensation shall be payable--

(i) to any person convicted of any offence punishable under this Act committed in respect of such animal ; or

(ii) in respect of any animal which, when it was brought into the State, was infected with disease on account of which it was destroyed.

**13. Power to require disinfection of infected premises, vessels or vehicles.**--(1) Subject to any rules made by the Government in this behalf, the Veterinary Surgeon may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which there has been an infective animal of material to have such building, yard, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto to be disinfected or destroyed, in such manner and to such extent as may be specified in the order.

(2) Subject as aforesaid, if such owner occupier or person fails to comply with the requirements of such order within a reasonable time, the Inspector may cause such building, yard, vessel or vehicle to be disinfected and such internal fittings and other things to be disinfected or destroyed at the expense of the owner.

**14. Declaration of private infected places.**--(1) If the Inspector has reason to believe that there is an infective animal in any field yard or building in which animals are kept, temporarily or otherwise, he shall at once, by order in writing, declare the place to be infected place, and shall deliver a copy of the order, to the owner occupier or person in charge of the place and report his action to the Veterinary Surgeon.

(2) The Provisions of sub-section (1) shall not apply to any place owned by or under the control or management of, any local authority or railway administration, where animals are temporarily kept for sale or exhibition or transit.

**15. Examination of infected place by the Veterinary Surgeon.**--(1) On receipt of the report under Section 14, the Veterinary Surgeon shall, as soon as possible, examine the infected place and the animals kept therein and may confirm or cancel the order of the Inspector.

(2) If the Veterinary Surgeon confirms the order, he may cause notice to be served on the owners, occupiers or persons in charge of all places in which animals are kept temporarily or otherwise, within a radius not exceeding one mile from the infected place, declaring such places to be infected places and shall forthwith report his action under this sub-section to the Director of Animal Husbandry.

(3) If the Veterinary Surgeon cancels the order passed by the Inspector, the Place specified in such order shall cease to be an infected place and the Inspector shall give notice accordingly to the owner occupier or person in charge of such place.

**16. Declaration of infected places of a public Character.**--(1) Where the Veterinary Surgeon has reason to believe that infective animals are or

have been kept in any place owned, controlled or managed by any local authority or railway administration, and in which animals are temporarily kept for purposes of sale, exhibition or transit, he may by order in writing, declare such place to be an infected place.

(2) The Veterinary Surgeon shall cause a copy of such order prepared in the language of the locality to be exhibited prominently in the infected place, and he shall deliver copies at the office of such local authority or to the nearest station master of such railway administration, as the case may be, and shall also send a copy to the nearest police station and shall report his action forthwith to the Director of Animal Husbandry.

**17. Declaration of infected areas by the Director of Animal Husbandry.**--(1) On receipt of the report of the Veterinary Surgeon under sub-section (2) of section 15 or under sub-section (2) of section 16 and after such further enquiry if any as he may think fit, the Director of Animal Husbandry may--

(a) confirm any declaration [made under section 15 or section 16]; or with or without modification.

(b) cancel any such declaration.

(2) Where the Director of Animal Husbandry confirms such declaration, either with or without modification, he shall by notification in the Gazette defining the limits of the area to which the notification shall apply, declare such area to be an infected area.

(3) Where the Director of Animal Husbandry cancels such declaration, the Inspector shall give notice of the cancellation to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

(4) On the issue of a notification under sub-section (2), any place declared by the Inspector or the Veterinary Surgeon to be an infected place and not included in the infected area so defined shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(5) (a) The Inspector shall cause to be exhibited in the language of the locality, a copy of the notification under sub-section (2)--

(i) <sup>16a</sup>[in the office of the Village panchayat or the municipality, as the case may be, within the jurisdiction of which the infected area is situated and in the local veterinary institution and in the Krishi Bhavan.]

(ii) <sup>16b</sup>[in the office of the Block Panchayat], if any, within the jurisdiction of which the infected area is situate; and

(iii) in such other prominent places in the infected area as the Inspector may think fit.

(b) The inspector shall also cause to be so exhibited a copy of any subsequent notification adding to, amending, varying or rescinding such notification.

**18. *Removal of animals and things from infected areas or places.***--(1) No person shall remove from any infected area or place, any animal, dead or alive, or any part of an animal, or any fodder, bedding or other thing used in connection with animals, save in accordance with the conditions of a license granted by the Inspector.

(2) Nothing in this section shall prevent the transit by railway, through an infected area or place of any animal or thing:

Provided that where any animal or thing mentioned in sub-section (1) while in transit through an infected area or place is unloaded therein, it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

**19. *Power to require return of animals or things to infected area or place.***--Where any animal or thing is removed from an infected area or place otherwise than in accordance with a license granted under section 18, any Inspector may require the owner or person in charge of such animal or thing to return it to such area or place and, if such owner or person fails to do so within a reasonable time, may cause it to be so returned at the expense of the owner without further delay:

Provided that nothing in this section shall affect the powers of an Inspector under section 9 to deal with infective animals.

16a) Substituted Vide Act 16 of 2000.

16b) Substituted Vide Act 16 of 2000.

**20. *Time for complying with notice, requisition or order.***--Where by any notice, requisition or order under this Act or under any notification or rule issued or made thereunder, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge a reasonable time shall be specified in such notice, requisition or order within which such measures shall be taken or such thing shall be done as the case may be.



21. *Recovery of expenses incurred under this Chapter.*--Where any action is required to be taken under this Chapter in respect of any property, place animal or thing at the expense of the owner or person in charge thereof, the officer taking such action may be frame a certificate stating the amount of the expenses incurred and the person from whom such amount is recoverable, and any Magistrate to whom such certificate is presented may, after such inquiry as he may think fit and after giving an opportunity to the person concerned to be heard, recover such amount as if it were a fine imposed by the Magistrate on such person.

### CHAPTER III

#### Penalties and Procedure

22. *Penalties for contravention of provisions of the Act and rules.*--Whoever--

- (a) imports, exports or transports into or from any part of the State any animal, alive or dead, or any part of an animal or any fodder, bedding or other thing in contravention of a notification issued under sub-clause (l) of clause(a) of sub-section (1) of section 5 ; or
- (b) holds any market, fair, exhibition or other concentration of animals in contravention of a notification issued under sub-clause (ii) of clause (a) of sub-section (1) of section 5; or
- (c) sells, or otherwise traffics in, an infective animal or its products or any part of such animal or the carcass of an animal which at the of its death was infective, or any fodder, bedding or other thing used in connection with such animals, in contravention of sub-clause (iii) of clause (a) of sub-section (1) of section 5; or
- (d) fails to comply with a direction issued under clause (b) of sub-section (1) of section 5; or
- (e) imports animals in contravention of sub-section (2) of section 5; or
- (f) being a common carrier, fails to cleanse, disinfect or disinfect any vessel or vehicle used for the transport of animals as required under sub-section (1) or sub-section (2) of section 6; or
- (g) fails, in contravention of section 7, to report to the Inspector; or
- (h) fails to comply with an order made by an Inspector under sub-section (1) of section 9; or
- (i) fails to comply with an order made by the Veterinary Surgeon under sub-section (1) of section 13; or

(j) removes any animal or thing from any infected area or place in contravention of section 18,

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

**23. *Penalty for keeping or grazing infecting animal in unenclosed land.***--Whoever keeps or grazes in or on any forest, open field, roadside or other unenclosed land to which other persons have a right of access for the purpose of keeping or grazing their animals, any animal, which he knows to be infective shall be punishable with fine which may extend, in the case of a first conviction to one hundred rupees, and, in the case of a second or subsequent convictions to two hundred rupees.

**24. *Penalty for bringing infection animals to the market.***--Whoever brings or attempts to bring, into any market, fair, exhibition or other concentration of animals, any animal which he knows to be affected with a scheduled disease, shall be punishable in the case of a first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both, and in the case of a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

**25. *Penalty for placing carcass of infective animal in river, canal, etc.***--Whoever places, or causes or permits to be placed, in any river, canal or other water, or in the sea within ten miles of the shore, the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective, shall be punishable, in the case of a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both, and, in the case of a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

**26. *Penalty for disinterring carcass of diseased animal.***--Whoever, without lawful authority, disinters or causes to be disinterred the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective, shall be punishable, in the case of a first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both, and, in the case of a second or subsequent conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

**27. *Penalty for malicious and vexatious entry or seizure by Veterinary Surgeon or Inspector.***--

(1) Whoever, being a Veterinary Surgeon or an Inspector, maliciously and vexatiously enters or inspects any land, building, vessel, vehicle or other place or seizes or detains any animal, 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 alleged offence was committed.

**28. *Arrest without order or warrant.***--Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), any Police Officer not below the rank of Sub-Inspector, if requested in writing by the Veterinary Surgeon, may, without an order from a Magistrate and without a warrant, arrest any person, who has been concerned in an offence against any of the provisions of this Act relating to infected areas or places or infected animals.

**29. *Institution of Proceedings.***--No Prosecution under this Act shall be instituted except by or under the authority of the Veterinary Surgeon.

**30. *Jurisdiction of Magistrates.***--No Magistrate inferior to a Magistrate of the second class shall try any offence under this Act.

**31. *Bar of claims to compensation.***--No person shall be entitled to any compensation in respect of the destruction of any animal or thing or any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith, except as provided for under section 12.

**32. *Power of Government to make rules.***--(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely:--

(a) the manner of examination of animals under section 10 ;

(b) the determination of the compensation payable under section 12 ;

(c) the exercise of powers of the Veterinary Surgeon and Inspector under section 13 ;

(d) the form of the licenses to be granted by an Inspector under section 18 and the circumstances under which they may be granted;

(e) the cleansing, disinfesting and disinfection of vessels or vehicles used by common carriers, the cleansing and disinfection of buildings yards and other places used for animals and the destruction of infected matter or things found therein or near thereto;

(f) the manner in which animals shall be destroyed, and the manner in which any carcass or parts of carcass, fodder, bedding or other things seized shall be disposed of;

(g) the test to be applied with respect to animals suspected of being infective;

(h) the duties to be discharged and the functions to be performed by an Inspector;

(i) any other matter which has to be, or may be, prescribed.

(3) In making a rule under this section, the Government may provided that a breach of it shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees, and, in the case of a second subsequent conviction, to two hundred rupees.

**33. *Amendment of the Schedule.***--(1) The Government may, by notification in the Gazette, include in the Schedule any disease affecting animals which, in their opinion, it is necessary or expedient so to include, and there upon all the provisions of this Act shall apply to that disease also.

(2) The Government may, by like notification, omit any disease from the Schedule and on the publication of such notification, such disease shall cease to be Scheduled disease.

**34. *Rules and notification issued under section 33 to be laid before the Legislative Assembly.***--Every rule made under this Act and every notification issued under section 33 shall be laid as soon as possible after it is made or issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive session, and is before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees that the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

**35. *Protection of action taken in good faith.***--No suit, prosecution or other legal proceedings shall lie against the Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

**36. *Repeal.***--The Madras Cattle-disease Act, 1866 (Madras Act II of 1866) and the Madras Rinderpest Act, 1940 (Madras Act XIX of 1940) as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956) and the Travancore Animals Diseases Act of 1094 , the Glanders and Farcy Act of 1091), (Travancore Act V of 1091), the Cochin Cattle Disease Prevention Act 1093 (Cochin Act III of 1093) AND THE Glanders And Farcy Act, 1093 (Cochin Act VI of 1093 ), are hereby repealed.

#### THE SCHEDULE

[See section 2 (k)]

1. Rinderpest of Cattle Plague.
2. Foot and Mouth Disease.
3. Haemorrhagic Septicaemia.
4. Black quarter.
5. Anthrax
6. Tuberculosis.
7. Johne's Disease.
8. Glanders and Farcy.
9. Epizootic Lymphangitis.
10. Dourine.
11. Rabies
12. Surra.
13. Strangles.
14. Contagious Caprine Pleuro-Pneumonia.
15. Brucellosis.
16. Contagious Bovine Pleuro-Pneumonia.

17. Swine Fever.
18. Ranikhet Disease.
19. Salmonellosis.
20. South African Horse Sickness.