

THE [KHYBER PAKHTUNKHWA] ANIMAL CONTAGIOUS
DISEASES ACT, 1948.

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THE [KHYBER PAKHTUNKHWA] ANIMAL CONTAGIOUS

DISEASES ACT, 1948.

*[KHYBER PAKHTUNKHWA] ACT I OF 1948.

AN
ACT

(Received the assent of the Governor, 3[Khyber Pakhtunkhwa] on the 30th day of November, 1948)

An Act to provide for the prevention and control of contagious diseases affecting animals.

WHEREAS it is expedient to provide for the prevention and Preamble.

control of contagious diseases affecting animals: It is hereby enacted as follows:—

CHAPTER I.
PRELIMINARY

1. (1) This Act may be called the “[Khyber Pakhtunkhwa] Animal Contagious Diseases Act, 1948.

(2) It extends to the whole of the *[Khyber Pakhtunkhwa].

(3) This section shall come into force at once and the Provincial Government may by notification in the official gazette bring the rest of the Act or any part of it into force in the “[Khyber Pakhtunkhwa] or in any area, the “[Khyber Pakhtunkhwa] on such date and for such period as may be specified in the notification.

2. Notwithstanding anything contained in Section 1, the Provincial Government may, by notification in the official Gazette, exempt any area from any or all the Provisions of this Act, or may, by like notification, direct that any provision of this Act shall apply to any area with such modifications as may be specified.

1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

2 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

3 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

4 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

5 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

6 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

7 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

Short title, extent
and commencement.

Power to exempt

areas from the
provisions of this
Act.

3. In this Act, unless there is anything repugnant in the subject or context.

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

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

(c) "Prescribed" means prescribed by regulations or rules made under this Act;

(d) "scheduled disease" means any disease for the time being included in the Schedule to this Act;

(ce) '[* * *]

(f) "Local authority" means a "District Board, Municipal Committee" or a notified area committee.

4. The diseases specified in the Schedule to this Act shall in the first instance be scheduled diseases for the purpose of this Act, but the Provincial Government may, by notification in the official Gazette:

(a) delete any entry from the Schedule, or

(b) include in the Schedule any communicable disease of animals to which it is expedient in their opinion that the provision of this Act should apply.

5. (1) The Provincial Government may appoint any graduate of recognized Veterinary College whom they think fit to be a Veterinary Surgeon for the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

(2) A Veterinary Surgeon shall have all the powers of an Inspector under this Act, and may exercise such powers concurrently with his powers as Veterinary Surgeon.

6. The Provincial Government may appoint any person they think fit to be an Inspector for any or all of the purposes of this Act, and may define the area within which he shall exercise the power and perform the duties incidental to such purposes.

1 Omitted by W. P. Laws (Adaptation) Order, 1964 s. 2 (1)) Sch Part- III Serial No. 24 (c).

Definitions.

Scheduled disease.

Veterinary

Surgeons.

Inspectors.

7. Any person appointed under Section 5 or Section 6 shall be deemed _ Status of veterinary to be a public servant within the meaning of Section 21 of the Indian Penal Code and Code (Act No. XL of 1860). Inspectors.

8. Any Inspector may subject to any rules made in this behalf by the Powers of Provincial Government, enter and inspect any land or 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.

CHAPTER II.

THE CONTROL OF DISEASE.

9. (1) The Provincial Government for the purposes of preventing the outbreak or spread of any scheduled disease, may, by notification in the official Gazette regulate in such manner and to such extent as they may think fit; and things which may spread disease.

(a) the import into the [Khyber Pakhtunkhwa] or any specified place therein of any animals, alive or dead or of parts of animals or of any kind of fodder bedding or other thing which may, in their opinion, carry infection;

(b) the removal from any specified part of the [Khyber Pakhtunkhwa] of any such animals, part of animals or things.

(2) The Provincial Government may, by notification, specify the season or seasons during which and the route or routes by which animals may be imported into *[Khyber Pakhtunkhwa] and no person shall import animals into the “[Khyber Pakhtunkhwa] otherwise than during the season and by the route so specified.

(3) The Provincial Government may establish quarantine stations for the inspection and detention of such animals along the routes specified under sub-section (2).

(4) The Provincial Government may prescribe the period of detention of animals at a quarantine station for the purpose of inspection, vaccination, if necessary marking and issuing of a permit for the release of animals from the station.

(5) The Provincial Government may prescribe the fee for the vaccination and marking of animals detained under subjection (4) above. Provided further that such animals shall remain under the care of the

1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

2 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

3 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

4 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

person in charge who shall also be responsible for the feeding and upkeep of such animals and also for the payment of fees thereof.

10. The Provincial Government, for the purpose of preventing the outbreak or spread of any scheduled disease, may by notification in the official Gazette prohibit or regulate, in such manner and to such extent as it may think fit, the holding of animals, markets, animals fairs, animal exhibitions or other concentrations of animals in any specified area.

11. The Provincial Government may by regulations prohibit or limit the sale of or other traffic infective animals, or in the carcasses of animals which at the time of their death were infective or in any parts of such animals, or litter, feeding, utensils or other thing which may carry infection.

12. (1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected periodically in such manner as the Provincial Government may by regulations prescribe.

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

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

(4) This Section shall not apply to rolling stock of any railway.

13. Every owner or person in charge of, or every person bringing into the [Khyber Pakhtunkhwa] and every Veterinary Practitioner who has been called to treat an animal which he has reasons to believe to be affected with a scheduled disease shall forthwith report that act to the Inspector exercising powers in the area.

14. Subject to such rules as may be made in this behalf by the Provincial Government, 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 carcasses of any such animals to be exhumed.

15. (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 that order;

1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

Power to control traffic in infective animals.

Cleansing and disinfection of vessels and vehicles.

Duty of certain persons to report scheduled disease.

Power of veterinary surgeon to hold post mortem.

Power to isolate infective animals.

Provided that where there is no person in charge of the animal and the owner is unknown or order cannot be communicated to him without undue delay of the person in charge of the animals refuses, to do as ordered above, the Inspector may seize the animals 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.

16. On receipt of a report under sub-section (2) of Section 15 the Veterinary Surgeon shall examine the animal as soon as possible and may also examine all animals which it has been in contact with or in close proximity to, and for this purpose may submit any animal to, any test which the Provincial Government may by regulations prescribe in this behalf.

17. (1) If, after such examination, the Veterinary Surgeon is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person who in his opinion is entitled to possession of it:

Provided that where such person cannot without undue inconvenience be found, the Inspector shall send the animals to the nearest cattle-pound, or deal with it in such other manner as the Provincial Government may by rules prescribe in this behalf.

(2) If, after such examination, the Veterinary Surgeon certifies in writing that any animal is affected with a scheduled disease, the Inspector shall destroy the animal, or deal with it in such other manner as the Provincial Government may, by rules prescribe in this behalf.

(3) If after such examination the Veterinary Surgeon certifies that the animal is infective though not diseased, the animal shall be dealt with in such manner as the Provincial Government may, by rules, prescribe in this behalf.

18. Compensation may be paid to the owner of an animal destroyed under Section 17, and such compensation shall be determined in accordance with rules to be made in this behalf by the Provincial Government, provided that—

(i) no compensation shall be paid to any person convicted of any offence punishable under this Act committed in respect of such animal;

(ii) no compensation shall be paid in respect of any animal which when it was brought in to the [Khyber Pakhtunkhwa] was affected with the disease on account of which it was destroyed.

1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

Examination by
the veterinary
surgeon.

Action after
examination by the
veterinary surgeon.

Compensation for
animals destroyed.

19. (D Subject to rules to be made by the Provincial Government in this behalf, Veterinary Surgeon, may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessels or vehicles in which there has been an infective animal to have such building, yard, vessel or vehicle disinfected and the internal fitting thereof and other things found therein or near there to be disinfected or destroyed, in such manner and to such extent and within such period 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 the specified period, the Inspector may cause such building, yard, vessel or vehicle to be disinfected, and the internal fittings and other things to be disinfected or destroyed, at the expense of the owner.

20. (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 an 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) This section 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, exhibition or in transit.

21. (1) The Veterinary Surgeon shall, as soon as possible, examine the infected place and the animals kept therein, and may cancel or confirm the order of the Inspector.

(2) If the Veterinary Surgeon confirms the order he may cause notice to be served on the owner, occupier or person in charge of all places in which animals are temporarily or otherwise, within a radius not exceeding one mile from the infected place declaring such places to be infected places.

The Veterinary Surgeon shall forthwith report his action under this sub-section to the authority prescribed by the Provincial Government in this behalf.

22. (1) Where the Veterinary Surgeon has reason to believe that infective animals are or have been in any place owned, controlled or managed by any local authority, or railway administration or where animals are temporarily kept for purpose of sale, transit or exhibition, 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, in the language of the locality, to be exhibited prominently in the infected place, and he shall deliver copies of such order at the office station of the local authority, or to the nearest station master of the railway administration, as

Power to require
disinfection or

infected promises,
vessels or vehicles.

Declaration of
private infected
place.

Examination of
infected place by
veterinary surgeon.

Declaration of
public infected
places.

the case may be, and shall also send a copy to the nearest Police Station, and he shall report his action forthwith to the authority prescribed by the Provincial Government in this behalf.

23, (1) On receipt of the report of the Veterinary Surgeon under sub-section (2) of Section 21 or under sub-section (2) of Section 22 and after such further inquiry, if any, as it may think fit, the Provincial Government:—

(a) may, cancel any declaration made under Section 20, 21, or 22, or

(b) may confirm such declaration either with or without modifications.

(2) Where the Provincial Government cancels any 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.

(3) Where the Provincial Government confirms such declaration either with or without modifications to Provincial Government shall by notification in the official Gazette define limits of the area to which the Notification shall apply, declare such area to be infected area.

(4) On the issue of such notification any place declared by the inspector or 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) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the vernacular of the area, a copy of the notification under sub-section (3) and shall also cause to be so exhibited a copy of any subsequent notification adding to, amending, varying or rescinding such notification.

24. (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 prescribed license granted by the Inspector.

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

Provided that where any animal or other thing described 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 sub-section (1).

Declaration of
infected areas by the
Provincial

Government.

Removel of animals
and other things
infected areas or
places.

25. Where any animal or thing is removed from an infected area or place otherwise than in accordance with a license granted under Section 24, an Inspector or Police Officer may require the owner or person in charge of such animal or thing to return it to such area or place, and, if the owner or person in charge fails to do so within a reasonable time, may cause it to be 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 15 to deal with infective animals.

26. Whereby any notice, requisition, or order under this Act or under any notification or rule issued, thereunder, any person is required to take any measures or to do any thing 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.

27. Where any action may be taken under this Chapter in respect of any property at the expense of the owner thereof, the officer taking such action may frame a certificate stating the amount of the expense 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, recover such amount as if it were a fine imposed by him on such person.

CHAPTER III PENALTIES AND PROCEDURE.

28. Whoever:—

(a) removes from any part of the [Khyber Pakhtunkhwa] any animal alive or dead, or any part of an animal, or any fodder, bedding or other thing in contravention of notification issued under Section 9,

(b) holds or promotes or takes part in any market fair, exhibition or other concentration of animal in contravention of a notification issued under Section 10,

(c) Sells or otherwise traffics in, or attempts to sell or traffic in, an infective animal, or its products, or the carcass of an animal which at the time of its death was infected in contravention of Section 11,

(d) being a common carrier fails to cleanse or disinfect any vessel or vehicle used for the transport of animals in such manner as may be required under sub-section (1) of Section 12, or as may

1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

Power to return
animal, etc., to
infected areas.

Time for complying
with an enforcement
of orders.

Recovery of expenses
incurred under this
chapter.

Penalties for
contravention of
Acts, regulations and
rules.

be required by the Inspector under sub-section (2) of that section,

(e) fails in contravention of Section 13, to report that an animal is infective,

(f) fails to comply with an order made by an Inspector under sub-section (1) of Section 15,

(g) fails to comply with an order made by the Veterinary Surgeon under sub-section (1) of Section 19,

(h) removes any animals or thing from any infected place in contravention of Section 24,

(i) imports animals in contravention of sub-section (2) of Section 9, 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 five hundred rupees.

29. Whoever keeps or grazes in or on any forest, open field, roadside, or other unenclosed land, to which person have a right of access for their animals, any animals 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 or in the case of a second or subsequent conviction to five hundred rupees.

30. Whoever brings or attempts to bring into any market fair, exhibition or other concentration of animals any animals which he knows to be affected with a Scheduled disease 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 five hundred rupees.

31. Whoever places, or causes or permits to be placed, in any river, canal, or other water 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, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend in the case of a first conviction to one hundred rupees or in the case of a second or subsequent conviction to five hundred rupees or with both.

32. 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 with fine which may extend in the case of a first conviction to one hundred rupees' or in the case of a second or subsequent conviction to five hundred rupees.

33. (1) Whoever being an Inspector maliciously and vexatiously enters or inspects any land or building or other place or any vessel or vehicle or

Penalty for keeping
or grazing infective

animal in unenclosed
land.

Penalty for bringing
infective animal to
market.

Penalty for placing
carcass of infective
animal in river.

Penalty for
disinterring carcass
of diseased animals.

Penalty for malicious
and vexatious entry

seizes or detains any animals shall on conviction be punishable with imprisonment for a term which may extend to six months, or with fine which may extent 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 die offence has been committed.

34. Any Police Officer not below the rank of Sub-Inspector of police 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 places or infected animals.

35. | Non-prosecution under this Act shall be instituted except by or under the authority of the Veterinary Surgeon.

36. No Magistrate shall try any offence under this Act unless he is a Magistrate of the first class or a Magistrate of the second class specially empowered in this behalf by the Provincial Government.

37. No Person shall be entitled to any compensation in respect of the destruction of any animal and thing or to any other loss, injury, detriment or inconvenience caused to him by reason of any thing done under this Act in good faith excepting that provided for under Section 18.

38. (1) The Provincial Government may make rules consistent with this Act and the regulations made there under for all or any of the following purposes, namely:—

(a) to define the powers of entry and inspection of an Inspector under Section 8;

(b) to prohibit or regulate the holding of markets, fairs, exhibitions or other concentrations of animals under Section 10;

(c) to appoint places for the disinfection of vessel or vehicles under sub-section (2) of Section 12 and for the isolation or segregation of animals under Section 15;

(d) to regulate post mortem examination of animals under Section 14, and the disposal of animals under sub sections (1) (2) and (3) of Section 17;

(e) to provide for the determination of the compensation payable under Section 18;

(f) to regulate the exercise of the powers of the Veterinary Surgeon and Inspector under Section 19;

of seizure by
Inspector.

or warrant.

Institution of
proceedings.

Jurisdiction of
Magistrate.

Bar of claim to
compensation.

Power of Provincial
Government to make
regulation and rules.

- (g) to prescribe the authority referred to in sub-section (2) of Section 21 and sub-section (2) of Section 22;
- (h) to prescribe the form and contents of the licenses to be granted by an Inspector under Section 24 and the circumstances under which they may be granted;
- (i) to prescribe scales of charges to be followed in certificates under Section 27 for expenses incurred on behalf of an owner;
- (j) to regulate the isolation, detention, treatment (including sterilization and inoculation), and disposal of animals which are infective or suspected of being infective and the disposal of carcasses and parts of carcasses;
- (k) to regulate the duties and powers of Inspectors;
- (l) to prescribe the manner in which any report or notice under the Act shall be made or given; or
- (m) to prohibit or regulate the entry into the '[Khyber Pakhtunkhwa] or any specified part or place there of and the movement from one place to another, in the *[Khyber Pakhtunkhwa] of animals, alive or dead, or parts of animals or fodder, bedding or other things;
- (n) to prohibit or limit sale or traffic in infective animals or carcasses of infective animals;
- (o) to regulate the disinfection of vessels or vehicles used by common carriers the cleansing and disinfection of building, yards and other places used for animals and the destruction of infected matter or things found therein or near there to;
- (p) to prescribe the test to be applied to animals suspected of being infective;
- (q) to prescribe the manner in which animals shall be destroyed and the manner in which, carcasses, or parts of carcasses, fodder, bedding or other things seized under the Act shall be disposed of; and
- (r) to prescribe the period of detention and the amount of fee for vaccination and marking at the inter-Provincial quarantine stations.

1 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

2 Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

(2) In making a rule under this section the Provincial Government may direct that a breach of it shall be punishable with fine which may extend in the case of a first conviction to one hundred rupees or in case of a second or subsequent conviction to five hundred rupees.

39. (1) The power to make regulations and rules conferred by this Act is given subject to the condition of the regulations or rules being made after previous publication.

(2) All regulations and rules made by the Provincial Government under this act shall be published in the Official Gazette.

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

SCHEDULE.

(SEE SECTION 4)

a

Rinderpest or cattle Plague.

Foot-and-Mouth Disease.

Haemorrhagic Septicaemia.

Black quarter.

Anthrax.

Tuberculosis.

Johne's Disease.

Glanders and Farcy.

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Epizootic Lymphangitis.

10. Dourine.

11. Rabies.

12. Surra.

Power to make regulations and rules subject to previous publication.

Protection to persons acting under this Act.