

THE PUNJAB ANIMAL HEALTH ACT 2019
(XXXII of 2019)

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[see sections 2(u) & section 27]

TEXT

'THE PUNJAB ANIMAL HEALTH ACT 2019
(XXXII of 2019)

[13 December, 2019]

An
Act

to regulate the prevention, control, containment and eradication of scheduled animal diseases.

It is necessary to enact law for prevention, control, containment and eradication of animal diseases to meet the international standards of import and export of animals and animal products and for matters connected therewith or incidental thereto.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Animal Health Act 2019.

(2)

(3)

It extends to whole of the Punjab.

It shall come into force at once.

2. Definitions.— In this Act:

(a)

(b)

(c)

(d)

(e)

(f)

(g)

(h)

“Act” means the Punjab Animal Health Act 2019;

“animal” includes cattle, buffalo, sheep, goat, camel, horse, ass, mule, wild animal's poultry, pheasant, quail, geese, ostrich, zoo birds; and any other animal or bird as the Government may, by notification, specify;

“animal market” means a place where persons assemble for the sale and purchase of livestock or animals and includes any place which may be notified as an animal market under the local government law

for the time being in force;

“animal product” means anything originating or made, whether in whole or in part, from an animal or from a carcass and includes blood, bones, casings, dairy products, eggs, fat, feedstuffs of animal origin, fish products, hair hides, horns, hooves, hormones and their biological preparations and other substances of animal origin which may be specified by the Government;

“animal welfare” means the condition in which an animal is required to be kept in view of its physical and mental needs;

“carcass” means the carcass of an animal and includes any part or portion thereof;

“check post” means any site declared as such by the Government to carry out checking of animals for purposes of the Act;

‘Chief Veterinary Officer’ means an officer designated as such by the Government for purposes of the Act;

‘This Act was passed by Provincial Assembly of the Punjab on 25 November 2019; assented to by the Governor of the Punjab on 10 December 2019; and, was published in the Punjab Gazette (Extraordinary), dated: 13 December 2019, pp.2627-2634.

(i) "competent officer" means an officer authorized to perform functions under the Act;

(j) "compulsory vaccination" means vaccination of any animal against any scheduled disease in respect of which vaccination is made mandatory under the provisions of the Act;

(k) "Department" means Livestock and Dairy Development Department of the Government;

(l) "diseased" means suffering from or carrying any infectious or contagious disease or such disease as included in the schedule;

(m) "Government" means Government of the Punjab;

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

(o) "person" includes a company or other entity incorporated under any law for the time being in force;

(p) "person in charge of an animal" means the owner of the animal or any other person for the time being in possession or custody of the animal;

(q) | "prescribed" means prescribed by the rules or the regulations made or framed under the Act;

(r) "quarantine unit" means a site or premises provided to be declared by the authorized officer for segregation and examination of apparently healthy animals before entry and exit from the controlled area;

(s) "regulations" means the regulations framed under the Act;

(t) "rules" means the rules made under this Act;

(u) | "Schedule" means the Schedule appended to the Act;

(v) "scheduled disease" means any disease included in the Schedule appended to the Act;

(w) "traceability" means the methods and tools used for linking the identification of live animals and the products of animal origin;

(x) "vaccination certificate" means a certificate issued by the authorized officer after inoculation of vaccine; and

(y) "vehicle" includes every vehicle used as a means of transport.

3. Declaration of controlled areas.— (1) The Government may, by notification in the official Gazette, declare an area to be a disease-free area or an eradication area in respect of any scheduled disease.

(2) A notification shall be issued after a general survey or such other checks as may be found necessary, which shall be publicly available.

(3) A notification under subsection (1) shall remain valid for a period of five

years unless modified, varied or annulled before that period due to occurrence of a disease in a disease-free area or increase in disease in an eradication area.

(4) Delimitation of a disease-free area or an eradication area shall be made in a manner that entry of animals in the area is effectively controlled.

(5) The areas subject to a notification under subsection (1), shall collectively be called controlled areas.

4. Contents of a disease-free area notification.— (1) Where the Government declares an area as a disease-free area, it shall specify in the notification:

- (a) disease(s) of which the area is completely free;
- (b) certification that is required in order to move an animal into the area; and
- (c) points where regular checking shall take place.

(2) | Where an area has been declared to be a disease-free area, the Government shall have the status of the area verified through independent inspectors once in every five years period.

5. Contents of eradication area notification.— (1) Where the Government declares an area as an eradication area, it shall specify in the notification:

- (a) disease(s) of which the area is substantially free;
- (b) certification that is required in order to move an animal into or out of the area; and
- (c) the areas where regular checking shall take place.

(2) Where an area has been declared as an eradication area, the Government shall take such measures, including vaccination, disease treatment or culling, as are necessary for complete eradication of the disease from that area.

6. Identification of animals for purposes of certification— (1) The Government shall prescribe by rules or regulations mechanism for traceability of animals including but not limited to:

- (a) _ the time of marking identification;
- (b) | the maintenance of information regarding marked animals or animals carrying identification; and
- (c) the passport that an animal shall carry when entering a disease-free area or eradication area for purposes of the Act.

(2) Any person who violates any provision of the rules or the regulations made or framed under subsection (1), shall be guilty of an offence punishable with fine which may extend to rupees two hundred thousand.

7. Vaccination and other preventive measures with regard to controlled areas.— (1) All animals in a controlled area shall be subjected to compulsory vaccination against such scheduled diseases and such other preventive measures, in such manner and within such time as may be provided in a notification to be issued by the Government.

(2) | Where an area has been declared as a disease-free area, no animal of any other susceptible species, with regard to which it is a disease-free area, shall be allowed to enter into that area unless duly immunized by vaccination against that particular disease.

(3) Where samples are taken for identification of diseases from a controlled area, they shall be checked from a laboratory which the Government may notify after the requisite quality checks.

8. Movement into and removal of animals from controlled areas.— The Government shall by regulations provide for:

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)

regulating the movement of animals generally and into or out of a disease free or an eradication area;

regulating the grazing of animals for purposes of disease control;
removal or disposal of carcasses of diseased animals;

removal of fodder, litter, dung or any article which has had contact with diseased animals and may cause the spread of a disease;

prescribing and regulating the issue and production of licenses respecting movement and removal of animals and the use of vessels or vehicles for carrying animals or for any connected purpose; and

recovery of expenses from an owner of an animal for enforcing the regulations framed under this section.

9. Cleansing and disinfection.— The Government shall by regulations provide

for:

- (a)
- (b)
- (c)
- (d)

cleansing and disinfection of places used for holding or arranging animal fairs, animal markets, animal exhibitions, or of places of animals, sheds and stables used for animals;

cleansing and disinfection of vehicles, vessels and aircraft used for carrying animals;

disinfection of clothes of a person coming in contact with or employed about diseased animals or suspected animals; and

modes of cleansing and disinfection.

10. Duty of certain persons to report the existence of scheduled diseases.—

(1) In every controlled area, a report that an animal is infected by one or more

scheduled disease(s), shall be made to the local veterinary officer by:

- (a)
- (b)
- (c)
- (d)

(2)

every person in charge of an animal who comes to know that an animal is infected;

every veterinary practitioner who is called for veterinary treatment or to whom an animal is brought for treatment;

every veterinary assistant who visits an animal for provision of any veterinary service; and

every person who is in charge of certifying animal health in a public or private slaughter house.

The veterinary officer to whom report has been made under subsection

(1), shall immediately transmit the same to the Chief Veterinary Officer where the report indicates that an animal afflicted with a disease has been found in an area which was free of that disease.

(3)

The veterinary officer in addition to transmitting the report mentioned in

subsection (2), shall immediately proceed to the place where the reported animal is present and determine whether the report is authentic and whether any measures are required to be taken to ensure control of disease.

(4) _ The veterinary officer shall intimate the measures to be taken to ensure control of disease to the Additional Director Livestock and the person in charge of the infected animal.

11. Separation of animals.— (1) Every person having in his possession or under his charge an animal affected with disease shall as far as practicable keep that animal separate from animals not so affected and shall abide by any instructions given to him by the local veterinary officer for control of disease.

(2) The Government may by regulations provide for the manner of separation of animals suspected of diseases and rendering of information regarding such animals.

(3) Any person other than a person having a duty to report the existence of disease under section 7(1), who comes to know that an animal is affected by rabies, shall give notice of the fact with all practicable promptness to the nearest police officer.

12. Biosecurity measures:— (1) The Government shall issue regulations to provide for appropriate biosecurity measures to be taken in relation to Foot and Mouth Disease and such other diseases as may require such measures.

(2) | The biosecurity measures under subsection (1), shall be issued after appropriate consultation with biosecurity experts.

13. Authorization as Competent Officers— The Government may, by notification in the official Gazette, authorize such number of officers, to undertake such powers under the Act in specified local limits of their respective jurisdiction, as may be specified in the notification.

14. Vaccination and issuance of vaccination certificate.— (1) The Government may by notification in the official Gazette require that one or more vaccinations in a controlled area or outside of it shall be administered by such officers or officials as may be notified.

(2) | Where vaccination has been carried out by a notified officer or official, such officer or official shall issue a certificate in the prescribed manner.

15. Check posts and quarantine units.— (1) The Chief Veterinary Officer may declare as many quarantine units within the province as may be required for the quarantine of animals suffering from any scheduled disease or suspected of being in close proximity of such animals, and the quarantine unit in the close proximity of a controlled area shall act as temporary animal stay before entry or exit from such controlled area.

(2) Any animal required to be inspected, vaccinated, or marked may be kept in the quarantine unit for such period as the competent officer may direct.

(3) The officer in charge of the quarantine unit shall, at the time of release of an animal from the station, grant a certificate, in such form as may be prescribed by the Department, to the person taking charge of the animal, and every such person shall be bound to produce the certificate whenever required to do so by the competent officer.

16. Welfare of animals.— (1) The Government may, by regulations, provide for:

(a) holding, feeding and treatment of animals which is necessary for animal welfare;

(b) use of animals for transport;

(c) prevention of cruelty to animals;

(d) prevention of neglect to animals; and

(e) | charges which a person shall be liable to pay on account of a local government or any other organization providing for animals which have been subjected to cruelty or neglect by him or by persons acting under his instructions.

(2) A violation of the regulations framed under subsection (1), shall be punishable with fine which may extend to rupees fifty thousand, and in case of cruelty, it shall also be punishable with imprisonment which may extend to three months.

17. Powers of entry and inspection— The Additional Director livestock concerned or an officer authorized by him may inspect animals kept in open area, close premises, building, vessel or vehicle for the purpose of ensuring compliance of the provisions of the Act, the rules or the regulations made or framed thereunder.

18. Powers to hold post-mortem examination. Where a competent officer, has reason to believe that the death of an animal has been caused by an infection with any scheduled disease, he may make or cause to be made a post-mortem examination of the animal and for that purpose he may cause the carcass of any such animal to be exhumed wherever required followed by the proper disposal after necessary examination and post-mortem.

19. Enforcement of orders and disposal of carcass.— Where a person or authority is required to take any measures regarding an animal or carcass of an animal in his custody or charge, by any rules, regulations, notification, notice, requisition, order or direction made under the Act, the owner or the person in custody shall immediately do the same:

Provided that in case of a stray or ownerless animal, carcass of such animal or parts thereof, the same shall be immediately disposed of by the local government concerned.

20. Prohibition for throwing infected animal or carcass in river, etc.—

Whoever throws or causes or permits to throw in any river, lake, canal or any other water channel, the carcass or any part of the carcass of any animal which at the time of its death was known to be infected, shall be guilty of an offence which shall be punished, in case offence committed for the first time, with fine which may extend to fifteen thousand rupees and in case of non-payment of fine with imprisonment of one month and in case of any subsequent offence with a fine which may extend to twenty five thousand rupees or imprisonment for a term which may extend to three months or with both.

21. Prevention of escape of causative organism.— (1) In every institution or laboratory engaged in the manufacture, testing or research related to vaccines, sera, diagnostics or chemotherapeutic drugs aimed at the prevention or treatment of any scheduled disease, adequate precautionary measures shall be taken to:

(a) | ensure that the causative organism of any scheduled disease

does not escape or otherwise get released;

- (b) | guard against any such escape or release; and
- (c) warn and protect all concerned in the event of any escape.

(2) Every person who is in charge of or has the control of an institution, laboratory or clinic referred in subsection (1), shall comply with the provisions of subsection (1) and in the event of non-compliance, he shall be guilty of an offence punishable with fine which may extend to twenty thousand rupees or imprisonment for a term which may extend to six months or with both, and in case the establishment is in commercial manufacturing of vaccines or medicine, a temporary suspension of license up to a period of one year.

(3) Any animal infected with a scheduled disease, particularly of zoonotic disease, shall be segregated for observation and if required shall be euthanized upon approval by the Additional Director livestock concerned to prevent spread of disease to other animals in best interest of public health.

(4) In order to prevent spread of causative organism, no organization or institution shall hold any animal market, animal fare, animal exhibition or carry any other activity which involves grouping or gathering of any species of animals within a notified controlled area without permission of the Chief Veterinary Officer.

22. Penalties.— Any person who contravenes the provisions of the Act, except sections 16 and 17, or obstructs any competent officer in performance of his duties shall be guilty of an offence punishable with fine which may extend to ten thousand rupees and in case of non-payment of fine with an imprisonment for a term which may extend to one month; and in the case of any subsequent offence, with a fine of twenty thousand rupees and in case of non-payment of fine with imprisonment for a term which may extend to two months.

23. The Tribunal.— (1) An offence punishable under the Act shall be exclusively triable by the Tribunal constituted under section 38 of the Punjab Livestock Breeding Act 2014 (XIII of 2014), in accordance with the provisions of the Code of Criminal Procedure 1898 (V of 1898), as if the Tribunal were a court of sessions.

(2) The Tribunal may try an offence under the Act in a summary manner in terms of Chapter XXII of the Code of Criminal Procedure 1898 (V of 1898).

24. Cognizance of offence. The Tribunal shall not take cognizance of an offence punishable under the Act except on the complaint of the Deputy Director Livestock concerned.

25. Appeal.— Any person aggrieved by a final order of the Tribunal may, within thirty days from the date of communication of the sentence, prefer an appeal to Lahore High Court.

26. Indemnity.— A suit, prosecution or other legal proceeding shall not lie against an officer of the Livestock and Dairy Development Department of the Government for anything done or intended to be done in good faith under the Act.

27. Power to amend the Schedule.— The Government may, by notification in the official Gazette, add to, or omit from the Schedule any animal disease.

28. Power to remove difficulties — (1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, within two years of the enactment of the Act, by notification in the Official Gazette, make such provisions, not inconsistent

with the provisions of the Act, as appear necessary for removing the difficulty.

(2) Every notification issued under subsection (1) shall, as soon as may be after its issuance, be laid before Provincial Assembly of the Punjab.

29. Power to make rules.— The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of the Act.

30. Power to frame regulations. Subject to the Act and the rules, the Government or the Department, by notification in the Official Gazette, may frame regulations for carrying out the provisions of the Act.

31. Repeal and savings.— (1) The Glanders and Farcy Act, 1899 and the Dourine Act, 1910 in their application to Punjab are hereby repealed.

(2) Notwithstanding the repeal of the Acts under subsection (1), the repeal shall not:

(a) affect the previous operation of any such provision of law or anything duly done or suffered thereunder;

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under any such provision of law;

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any such provision of law; or

(d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and every such investigation, legal proceeding or remedy may be continued, instituted or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid provisions of law had continued.

(3) | Anything done or any action taken under any provision of the repealed Acts, including any notification, order, notice or receipt issued or declaration made, shall in so far as it is not inconsistent with the provisions of the Act, be deemed to have been done, taken, issued or made under the corresponding provisions of the Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the Act.

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ON FOOD RBN AHP WHR OD BN AAP WON SO!

SCHEDULE

[see sections 2(u) & section 27]

Anaplasmosis

Anthrax

Avian influenza

Babesiosis

Black Quarters

Blue Tongue

Brucellosis

Bovine Ephemeral Fever (BEF)

Bovine Spongiform Encephalopathy (Mad Cow)

Bovine Tuberculosis (BTb)

Bovine Viral Diarrhoea

Buffalo Pox/Cow Pox

Camel Pox

Contagious Bovine Pleuro-pneumonia

Contagious Caprine Pleuro-pneumonia

Caprine Pustular Dermatitis

Enterotoxaemia

Equine Influenza

Foot and Mouth Disease

Glanders

Haemorrhagic Septicaemia

Infectious Bovine Rhinotracheitis (IBR)

Newcastle's Disease

Peste des Petits Ruminants (PPR)

Rabies

Scrapie

Sheep and Goat Pox

Strangles

Surra

Theileriosis

Trypanosomiasis

Vesicular Stomatitis

Johne's Disease